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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,932	12/12/2003	Chi Fai Ho	IPLN.P0001C	2247

7590 09/19/2008  
Peter Tong  
1807 Limetree Lane  
Mountain View, CA 94040

EXAMINER
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LEIVA, FRANK M

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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09/19/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/734,932	<b>Applicant(s)</b> HO ET AL.	
	<b>Examiner</b> FRANK M. LEIVA	<b>Art Unit</b> 3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 47-68 is/are pending in the application.
- 4a) Of the above claim(s) 52, 59, 61, 65 and 67 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 47-51, 53-58, 60 and 62-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/19/2008</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Continued Examination Under 37 CFR 1.114**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 18 July 2008 has been entered.

### **Acknowledgements**

2. The examiner acknowledges cancellation of all previous pending claims and addition of new claims 47-68 in applicant's submission filed 18 July 2008.

### **Election/Restrictions**

3. Newly submitted claims **52, 55, 59, 61, 65 and 67** directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claims 52, 59 and 65 are directed to the generation of new study material, which is further than just showing or displaying selected study materials and is independent from the elected invention of reviewing previous materials for memory reinforcement; claim 61 is directed toward the selection of new materials dependent on how long ago the previous material was viewed, independent of the review of previous materials; and claims 55 and 67 are directed to the grading and comparing multiple users to each other and selecting study materials according to the comparison, not related and independent of the review of previously viewed materials.

4. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for

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prosecution on the merits. Accordingly, claims **52, 59, 61, 65 and 67** are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 103***

**5. Claims 47-51, 53-58, 60, 62-66 and 67-68 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over MC&S.**

**6. Regarding claims 47, 57 and 63;** MC&S discloses a computer-implemented method and readable memory for helping a user learn, the method comprising:

(a) allowing the user to access materials related to a subject to help the user learn, (page 7);

(b) determining, based on at least two rules, which additional materials to present to the user, after the materials accessed by the user at (a) have been presented to the user, with the at least two rules having a conflict in view of an assessment of the user, and with the conflict resolved to determine which additional materials to present to the user (page 12, {presentation of strands}), rules for giving specific strands include but not limited to grade level and understanding of the material; and

(c) selecting least some of the materials accessed by the user at (a) for presentation to the user for a further time so that the user's memory on the materials can be refreshed, (Page 25), receive review exercises in the next session.

**7. Regarding claim 48;** MC&S discloses wherein at (c) the selecting of at least some of the materials accessed by the user at (a) for presentation to the user for the further time occurs after the additional materials determined at (b) have been presented to the user, (page 30), "Sam will receive review exercises in the next session.

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**8. Regarding claim 49;** MC&S discloses wherein the method further comprises having at least some of the accessed materials transmitted via a network to a device to be presented to the user, and wherein the network includes a private network and a public network, (page167), computer system, management system.

**9. Regarding claim 51;** MC&S discloses wherein the at least some of the materials accessed by the user at (a) can be repeatedly selected for presentation to the user, but if the time elapsed is more than a predetermined duration of time, the at least some of the materials accessed by the user at (a) are no longer selected, (table 2), system will no longer repeat subject after all available tries have been presented.

**10. Regarding claim 53;** MC&S discloses wherein the at least some of the materials accessed by the user at (a) can be repeatedly selected for presentation to the user, (page 30 and table 2).

**11. Regarding claims 54, 60 and 68;** MC&S discloses wherein the additional materials determined to be presented to the user at (b), also relate to the subject, (table 1), shows the lessons being of the same subject (math).

**12. Regarding claims 56, 62 and 66;** MC&S discloses wherein resolving the conflict between the at least two rules involves favoring one of the rules over another one of the rules, (table 2), showing a set of rules with a hierarchy.

**13. Regarding claims 50, 58 and 64;** MC&S discloses all the limitations of claims 47, 57 and 63 as applied above, yet is silent on triggers that would tag the lessons for review. Whereas Kerwin discloses wherein the at least some of the materials accessed by the user at (a) are selected at (c) for presentation to the user for the further time depending on a time elapsed from when the user accesses the materials at (a), (col. 4:63 – col. 5:3), suggest that the number of repetitions is calculated by the system by having certain requirements, as is also mentioned by MC&S there is a determination of

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delaying certain repetitions for reinforcement. A person of ordinary skill in the art upon reading Kerwin would also have recognized that there are a limited number of triggers that could be used to determine the scheduling of the repeated subjects, including but not limited to the already disclosed difficulty levels, skill level attained, criticality of the subject in order to continue to next level or time elapsed since last reviewed. Thus it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to try any number of permutations of triggers in the creation of the scheduled repetitions, in as much as the fact that the system would inherently require a trigger in order to place the repetition in the scheduled studies. Not only a trigger is necessary but it would create the predictable result of delaying the review of the materials to a later time.

**14. Examiner's Note:** Examiner has cited paragraphs and figures in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANK M. LEIVA whose telephone number is (571)272-2460. The examiner can normally be reached on M-Th 9:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/

Supervisory Patent Examiner, Art Unit 3714

FML

09/13/2008